

1 Donald Williams
2 44 1/2 S. Division St., S.E. Apt., 37
3 Grand Rapids, MI., 49503

4 *FILED - GR*
5 Honorable Robert Holmes Bell

6 06 OCT 27 PM 2:14
7 Chief United States District

8 *U.S. DISTRICT COURT
WESTERN DISTRICT MICH
MRS.*

9 ***In The United States District Court
10 For The Western District Of Michigan***

11 Donald Williams,) Case No.: No. 1-06-cv-635
12 Plaintiff,)
13 vs.) Request Clerk For Entry Of Default Judgment
14 Grand Rapids Public Library,)
15 Defendant)

16 **COMES NOW** the Plaintiff Donald Williams, with his Request Of The Clerk For Entry Of
17 Default Judgment.

18 **I. REQUEST CLERK FOR ENTRY OF DEFAULT JUDGMENT**

- 19 1. FRCP Rule 55(a) When a party against whom a judgment for affirmative relief is
20 sought has failed to plead or otherwise defend as provided by these rules and
21 that fact is made to appear by affidavit or otherwise, the clerk shall enter the
22 party's default. (See Affidavit Of Process Of Service and Affidavit Of Damages)
- 23 2. FRCP Rule 54(c) - This judgment by default is not different in kind from or
24 exceeding in amount that prayed for in the demand for judgment. And every final
25 judgment shall grant the relief to which the party in whose favor it is rendered is
entitled, even if the party has not demanded such relief in the party's pleadings.
(See Affidavit Of Damages)

- 1 3. FRCP Rule 4(a) – The summons to Defendant was signed by the clerk, bore the
2 seal of the court, identified the court and the parties. The summons was directed
3 to the Defendant and stated the name and address of the Plaintiff. It also stated
4 the time within which the Defendant must appear and defend and notified
5 Defendant that failure to do so will result in a judgment by default against the
6 Defendant for the relief demanded in the complaint.
- 7 4. FRCP Rule 12(a)(1)(A) Defendant has not answered within 20 days after being
8 served with the summons and complaint (See Affidavit Of Process Of Service).

10 **A. Conclusion**

- 11 1. Defendant has not answered within 20 days after being served with the
12 summons and complaint. Defendant has failed to plead and that fact is made to
13 appear. Default Judgment should be rendered on the issue of liability alone.
14 This judgment is not exceeding in amount prayed for in the demand for judgment.

15 **WHEREFORE**, Plaintiff prays this Honorable Clerk GRANT Plaintiff Request For Default
16 Judgment.

17 **B. Effort To Comply With LCIVR 7.1(d)**

- 18 1. In an effort to comply Plaintiff would show the Court Plaintiff is entitled to
19 Judgment as a matter of law 42 U.S.C. § 1983 (West 1981).
- 20 2. In an effort to comply Plaintiff would show the Court Defendant has neglected to
21 answer, FRCP Rule 12(a)(1)(A).
- 22 3. In an effort to comply Plaintiff would show the Court FRCP Rule 55(a)(b)(1)(2),
23 Motion For Default Judgment.
- 24

4. In an effort to comply Plaintiff, in good faith, believes Defendant will object to Plaintiffs Request Clerk For Entry Of Default Judgment.

Dated This Friday, October 27, 2006

By:

**Donald V. Williams
44 ½ S. Division St., SE., Apt., 37
Grand Rapids, MI., 49503**

C. Certification Of Mailing

I do hereby certify that on the 27 day of October,
2006. I mailed a true and correct copy of the above and foregoing instrument to
Daniel A. Ophoff, Assistant City Attorney, 620 City Hall, 300 Monroe Ave., NW, Grand
Rapids, MI., 49503.

Dated This Friday, October 27, 2006

By:

**Donald V. Williams
44 ½ S. Division St., SE., Apt., 37
Grand Rapids, MI., 49503**